

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

JOANN M. REVILLE

Plaintiff,

v.

ORDER
04-CV-258

NIAGARA FRONTIER TRANSPORTATION
AUTHORITY,

Defendant.

This case was referred to Magistrate Judge Jeremiah J. McCarthy, pursuant to 28 U.S.C. § 636(b)(1), on February 27, 2007. On September 20, 2007, defendant filed a motion for summary judgment. On December 10, 2008, Magistrate Judge McCarthy filed a Report and Recommendation, recommending that defendant's motion be granted. Magistrate Judge McCarthy reaffirmed that recommendation in a supplemental Report and Recommendation dated June 25, 2009. The Court will consider both of Magistrate Judge McCarthy's filings collectively as a single Report and Recommendation.

Plaintiff filed objections to the Report and Recommendation on September 8, 2009 and defendant filed a response thereto. Oral argument on the objections was held on December 11, 2009.

Pursuant to 28 U.S.C. § 636(b)(1), this Court must make a de novo determination of those portions of the Report and Recommendation to which

objections have been made. Upon a de novo review of the Report and Recommendation, and after reviewing the submissions and hearing argument from the parties, the Court adopts the proposed findings of the Report and Recommendation.

Accordingly, for the reasons set forth in Magistrate Judge McCarthy's Report and Recommendation, defendant's motion for summary judgment is granted.

The Clerk of Court is directed to take all steps necessary to close the case.

SO ORDERED.

s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
CHIEF JUDGE
UNITED STATES DISTRICT COURT

DATED: December 17, 2009